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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/862,830
Inventor(s) : John Gregory Schroeder *et al.*
Filed : May 22, 2001
Art Unit : 1751
Examiner : Lorna M. Douyon
Docket No. : AA471
Confirmation No. : 8865
Customer No. : 27752
Title : A KIT FOR CARING FOR A FABRIC ARTICLE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF GEORGE KAVIN MORGAN UNDER 37 C.F.R § 1.132

I, GEORGE KAVIN MORGAN, hereby declare and say:

That, I have a Bachelor degree in Chemistry & Pure Mathematics from the College of Charleston, South Carolina, earned in 1993;

That, I have been employed by The Procter & Gamble Company for the past 13 years and have held the title of: Chemist – Principle Researcher Perfume Product Development for the past 5 years;

That, in the course of my employment at Procter & Gamble, I have worked in the Fabric and Household Care Division wherein my responsibilities have included research & development of fragrances exclusively for Fabric Care Perfume Product Development. Over the last ten years, I have worked in the research and development of perfumes, as well as project management, where I have developed fragrances and evaluated their characteristics, effects and functionalities as it pertains to fabrics;

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That, I am familiar with the above-identified patent application which recites in Claim 1:
A kit for caring for a fabric article comprising: (a) a laundry detergent composition provided in a separate laundry detergent composition container, wherein the laundry detergent container is either a cardboard box or bottle, and wherein the cardboard box further comprises a scoop or measuring cup; wherein the bottle further comprises a pour spout; and (b) a fabric treatment composition provided in a separate fabric treatment composition container, the fabric treatment composition comprises either: (i) a liquid fabric conditioning composition applied to the fabric article during the rinse cycle, wherein the fabric treatment composition container for the liquid fabric conditioning composition comprises a bottle (ii) or a dryer sheet composition, wherein the fabric treatment composition container for the dryer sheet composition comprises a box; and wherein the laundry detergent composition and the fabric treatment composition comprise the following coordinated element: a perfume;

That, I understand that the instant application was filed on May 22, 2001 and claims priority to U.S. Provisional Application, Serial No. 60/206,075, filed May 22, 2000, and I am familiar with the Office Action, dated March 8, 2006;

That, under my control and supervision, a series of experiments was conducted regarding the synergistic effect obtained by laundering a fabric with multiple laundry products having a coordinated element of a perfume (hereinafter "Coordinated Perfume").

Coordinated Perfume testing:

GAIN® laundry detergent and GAIN® liquid fabric softener were used to measure the impact of the present invention on perfume odor from laundered fabrics. The following test runs were performed in accordance with the test method provided in Attachment A:

- **Run A: Fabrics were laundered with GAIN® laundry detergent and GAIN® liquid fabric softener having a Coordinated Perfume;**
- **Run B: Fabrics were laundered with GAIN® laundry detergent having no perfume, and GAIN® liquid fabric softener having the same perfume of Run A;**
- **Run C: Fabrics were laundered with GAIN® laundry detergent having the same perfume of Run A, and GAIN® liquid fabric softener having no perfume; and**

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- Run D: Fabrics were laundered with GAIN® laundry detergent having no perfume, and GAIN® liquid fabric softener having no perfume.

Surprisingly, it was found that laundering a fabric with a Coordinated Perfume provides the surprising additive and synergistic effects shown by:

1. Achieving a higher initial dry fabric odor (hereinafter "DFO") and with less DFO loss over time (See FIGURE 1 below), and
2. Achieving lower DFO loss over time as i) a % of week to week DFO loss and ii) a % of total DFO loss from the initial DFO (See FIGURES 2 and 3, respectively).

These benefits are indeed surprising because one of ordinary skill in the art would not expect a fabric laundered with the Coordinated Perfume to maintain such a relatively high amount of DFO compared to a fabric laundered without the Coordinated Perfume. One of ordinary skill in the art would likely expect that the Coordinated Perfume would result in the same rate if not a higher rate of DFO loss because the Coordinated Perfume had a higher initial DFO. One would naturally expect the higher initial DFO to result in a more drastic and noticeable loss of perfume odor when measured over a two week period. To our surprise, not only did the Coordinated Perfume have higher initial DFO with lower units of perfume loss over time, but the % of DFO loss was also lower than the other runs.

Surprising benefits of additive effects and synergistic effects obtained:

The additive effects of laundering a fabric with the Coordinated Perfume in Run A are shown by the increased DFO measurements compared to Runs B, C and D. As in FIGURE 1, Run A has a higher initial DFO than Runs B, C and D. Run A has an initial DFO of 46.5 odor units, whereas Run B had an initial DFO of only 40 odor units, Run C has an initial DFO of only 26.5 odor units, and Run D has an initial DFO of 15 odor units. Further, the Coordinated Perfume's additional DFO measurements remain higher than those of Runs B, C, and D, after the first week and after the second week.

The synergistic effects of the Coordinated Perfume are demonstrated by Run A's lower rates of DFO loss when compared to Runs B and C. For the purpose of this analysis the rate of DFO loss was calculated as a week to week % DFO loss (FIGURE 2) and as a % of

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total DFO loss (FIGURE 3). The week to week % DFO loss was calculated by determining the number of odor units lost for a given week, then dividing by the DFO from the prior week. The % total DFO loss was calculated by determining the number of odor units lost for a given week from the initial DFO, then dividing by the initial DFO. Importantly, not only does the Coordinated Perfume have a higher DFO thorough out the testing but also lost less odor units at a lower % when compared to Runs B and C.

FIGURE 1 shows that the Coordinated Perfume experienced a lower total DFO loss over time. Run A has a DFO loss of only 1.5 odor units after the first week and only 3 odor units after the second weeks. In comparison, Run B has a DFO loss of 1.5 odor units after the first week and 6.5 odor units after the second week. Further, Run C has a DFO loss of 5 odor units after the first week and 8.5 odor units after the second week. In terms of total odor units, the fabric laundered with the Coordinated Perfume demonstrates the surprising benefits of increased initial DFO following laundering and a decreased DFO loss over time as a function of total odor units measured.

FIGURE 2 shows that the Coordinated Perfume experienced a lower week to week % DFO loss. Importantly, this lower week to week % DFO loss shows how the Coordinated Perfume changes the perfume odor behavior over time. In addition to losing less perfume overall, as shown in FIGURE 1, the perfume odor loss of the Coordinated Perfume comprises a smaller week to week % of the DFO measurement for a given week. In effect, even though the Coordinated Perfume has a higher DFO throughout the duration of the testing, the % DFO loss on a week to week basis is still lower than Runs B and C.

- Run A has a week to week % DFO loss of about 3.2 % after the first week and 3.3% after the second week.
- Run B has a week to week % DFO loss of 12.5 % after the first week, and 10% after the second week.
- Run C has a week to week % DFO loss of 5.7 % after the first week, and 20 % after the second week.

FIGURE 3 shows that the Coordinated Perfume experienced a lower % total DFO loss. Like FIGURE 2, FIGURE 3 shows how the Coordinated Perfume changes the behavior of

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the perfume odor emitted from the laundered fabric. Importantly, FIGURE 3 shows how the Coordinated Perfume is critical to maintaining a higher % of initial DFO over time in comparison to Runs B and C, both of which demonstrated a 3 to 4 fold increase in % total DFO loss after 2 weeks.

- Run A has a % total DFO loss of about 3 % after the first week and about 6.5 % second week.
- Run B has a % total DFO loss of 12.5 % after the first week, and 21.25 % after the second week.
- Run C has a % total DFO loss of 5.7 % after the first week, and 24.5 % after the second week.

In sum, the decline in DFO loss as demonstrated in FIGURES 1 – 3 represent the surprising benefits obtained by laundering a fabric with the Coordinated Perfume. Interestingly, not only does the present invention provide the additive benefit of increasing DFO deposition onto the laundered fabrics, but also the synergistic benefit of decreasing DFO loss over time. Indeed, one of ordinary skill in the art would be surprised by the additive and synergistic benefits of the present invention.

Further Declarant sayeth not.

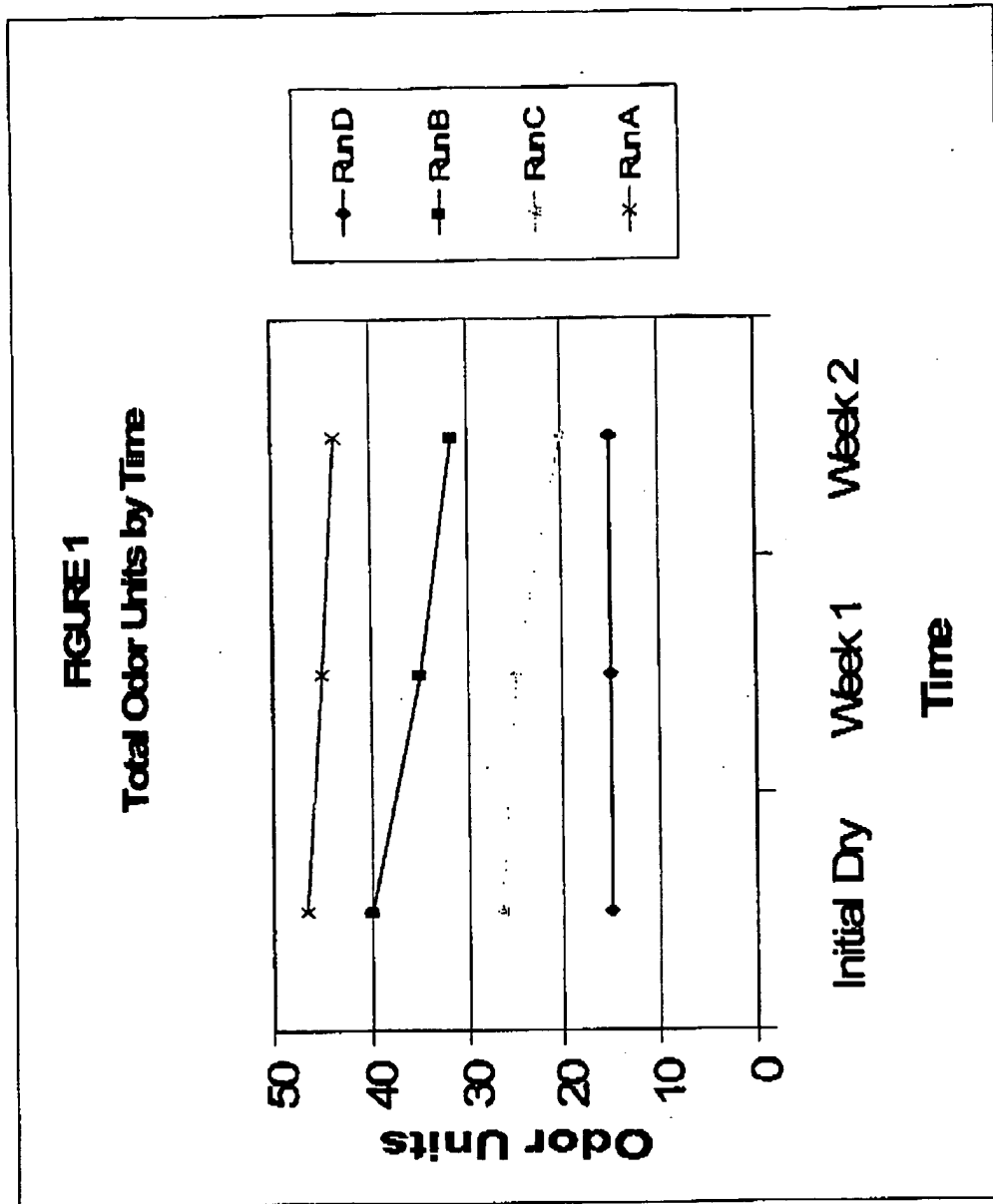
I, GEORGE KAVIN MORGAN, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements have been made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issuing thereon.


GEORGE KAVIN MORGAN

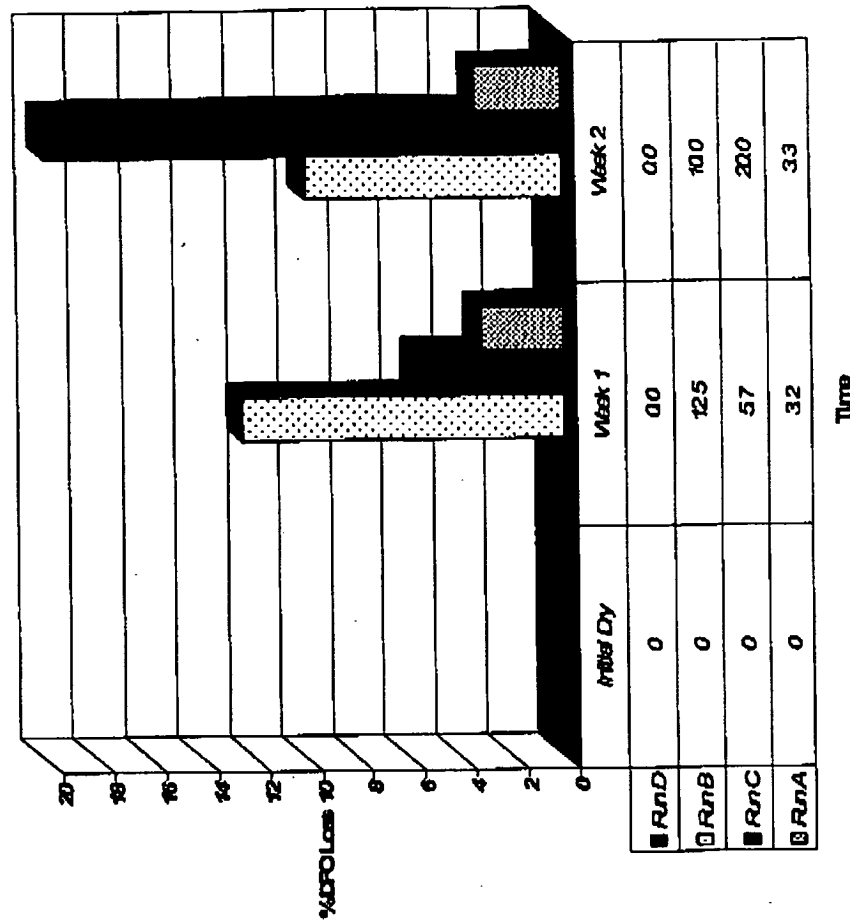
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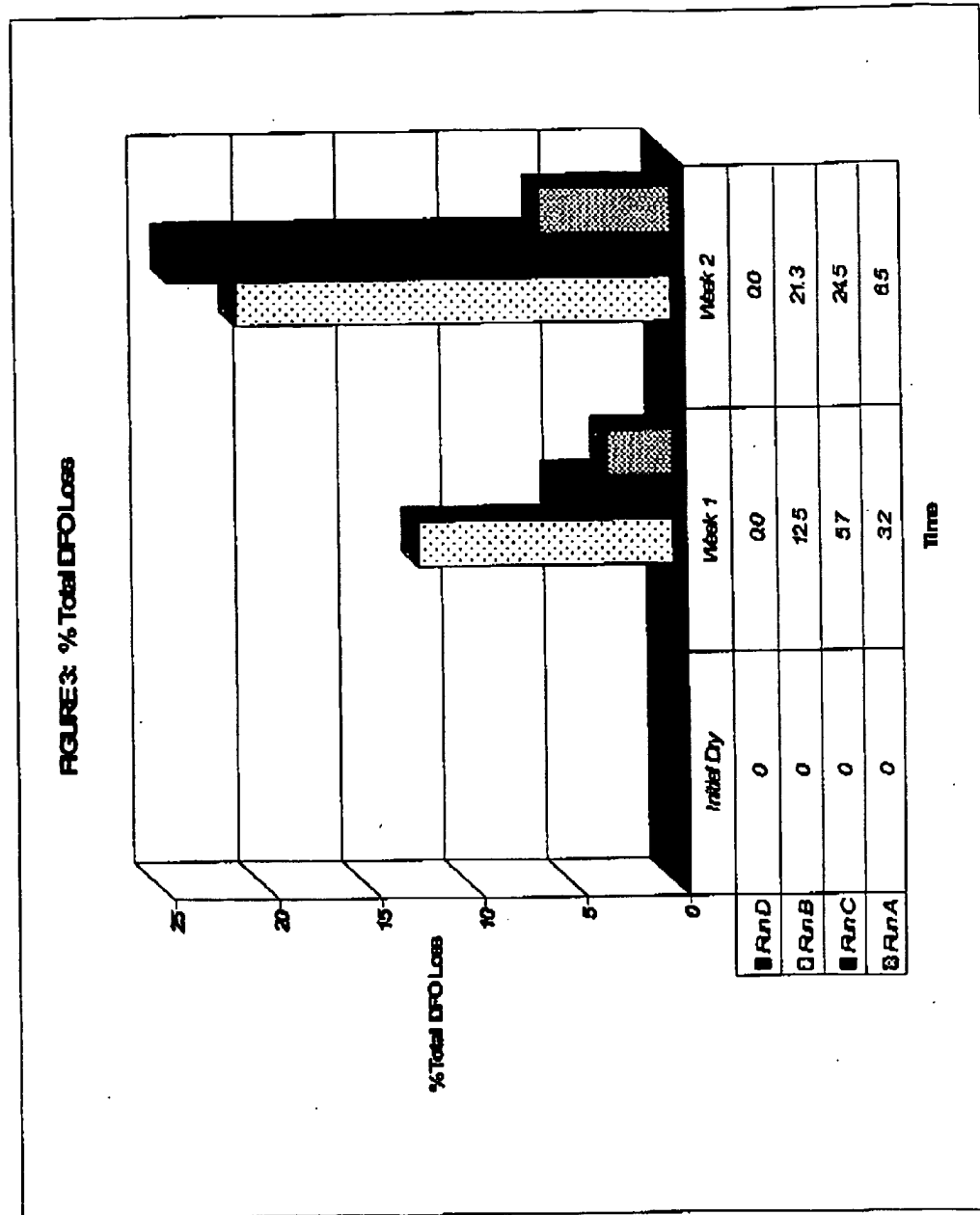
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FIGURE 2 Week to Week % DFOLoss

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Attachment A

Method/Procedures

Bundle Composition	
Contents of the bundles are:	
100% Cotton items 9 - Men's Crew neck T-shirt adult large.	Blends of Polyester/Cotton 7 Pillowcases 50% Polyester/50% Cotton blend, Standard Size 7 Terry Towels 86% Cotton/14% Polyester blend - (16" x 27")

- Prepare the bundle composition using the procedure detailed below. Terry cloths are washed and dried within each 7.0 lb. bundle of garments for the testing.

Four test runs are prepared:

- Run A: Bundles are laundered with GAIN® 2X liquid laundry detergent with 0.48 wt.% perfume AC and GAIN® liquid fabric softener with 1.5 wt.% perfume AC:
- Run B: Bundles are laundered with perfume-free GAIN® 2X liquid laundry detergent and GAIN® liquid fabric softener with 1.5 wt.% perfume AC
- Run C: Bundles are laundered with GAIN® 2X liquid laundry detergent with 0.48 wt.% perfume AC and perfume-free GAIN® liquid fabric softener: and
- Run D: Bundles are laundered with perfume-free GAIN® 2X liquid laundry detergent and perfume-free GAIN® liquid fabric softener:

Laundering Procedure:

1. Set wash temperature to 90° F using city water.
2. Set the water level at 17 gallons for 7.0 lb. Bundle.
3. Start all washers on a 12 minute normal wash cycle.
4. Add the pre-weighed laundry detergent (48.3 grams) to each washer.
5. Once the washer begins to agitate wait 15 seconds and add one bundle + terries to each washer.
6. Rinse cycle 4-minute in 17 gallons of city water at 60°F.
7. Add the liquid fabric conditioner (25.5 grams).
8. Pull out two Terries for wet odor evaluation & wrap them each in aluminum foil.
9. Drying cycle: 50 minute drying cycle on Cotton High Heat setting with a 9-minute cool-down.
10. Place Terries in a Mylar bag.

Results

Initial dry fabric odor (DFO) is measured and noted immediately after laundering process as odor units. To measure DFO, test subject rubs the fabric(s) against itself or another

laundered fabric within the same bundle and smells the fabric from within 1 inch of subject's nose. After DFO is recorded, test subject returns fabric to Mylar bag and seals bag. Bag is stored in the open at room temperature, about 25 °C.

Test subject assigns a odor strength in odor units. Odor units are a representative measure of perfume odor strength imparted from the laundering process. Odor units are a comparative measurement used to represent relative odor strength between fabrics measured on a scale of 0 to 100, wherein a score of 0 equates to the test subject's appreciation of the odor strength of ambient air conditions during testing, a score of a 100 equates to the test subject's appreciation of the odor strength of the fabric conditioning composition having the perfume, by smelling the air at about an inch away from the top of an opened container of fabric conditioning composition. A delta of 10 odor units between fabrics is considered to be a consumer noticeable difference.

After 1st week, the Week 1 DFO is measured, repeating the steps for measuring Initial DFO.

After 2nd week, the Week 2 DFO is measured, repeating the steps for measuring Initial DFO.

	Initial DFO	Week 1 DFO	Week 2 DFO
Run A	46.5	45	43.5
Run B	40	35	31.5
Run C	26.5	25	20
Run D	15	15	15